

A shortened statutory period for response to this action is set to expire 3 month(s). \_\_\_\_\_ days from the date of this letter.

## UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

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FIRST NAMED APPLICANT ATTORNEY DOCKET NO. UTA4

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П EXAMINER HENLEY III.R ART UNIT PAPER NUMBER DATE MAILED: 09/15/88

Responsive to communication filed on \_\_\_\_\_\_ This action is made final.

This is a communication from the examiner in charge of your application COMMISSIONER OF PATENTS AND TRADEMARKS

Tiris application has been examined

Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133	
	g, PTO-948. t Application, Form PTO-152
Part II SUMMARY OF ACTION	
1. Claims   -   O	are pending in the application.
Of the above, claims	_ are withdrawn from consideration.
2. Claims	_ have been cancelled.
3. Claims	_ are allowed.
4. 🔀 Claims 1-10	_ are rejected.
5. Claims	
6. Claims are subject to	restriction or election requirement.
<ol> <li>This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.</li> <li>Allowable subject matter having been indicated, formal drawings are required in response to this Office action.</li> </ol>	
9. The corrected or substitute drawings have been received on	ings are acceptable;
10. Theproposed drawing correction and/or theproposed additional or substitute sheet(s) of drawings, filed on  has (have) been approved by the examiner disapproved by the examiner (see explanation).	
<ol> <li>The proposed drawing correction, filed</li></ol>	lity to ensure that the drawings are
12.  Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has	been received not been received
been filed in parent application, serial no; filed on;	
<ol> <li>Since this application appears to be in condition for allowance except for formal matters, prosecution accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.</li> </ol>	n as to the merits is closed in
14. Other	

EXAMINER'S ACTION

Serial No. 139576 Art Unit 125

The status of SN 805,975 should be updated on page 3.1ine 8 of the specification.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as the disclosure is enabling only for claims limited to compositions containing a specific biocompatible material encapsulating microspheres of specific gases and to the intravenous administration of said composition. Therefore the following expressions are beyond the enablement of the disclosure:

"parenterally administrate" (claim 1-8);

"gas microbubbles" (claims 1-5);

"water-insolubilized ... material" (claims 1-3);

"a heat-denaturable... protein" (claims 5, 6 and 8);

and "a heat-insolublized...protein" (claims 5, 6 and 8).

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims are indefinite in the functional expression "said imaging... 25°C". As noted on page 7 of the specification, only products prepared by the use of the foaming and aerosolating steps are shown to result in the claimed type of microsphere dispersion.

Serial No. 139576

Art Unit 125

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Henley, III whose telephone number is (703) 557-1750.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-3920.

HENLEY:wdh

9/8/88

ALBERT T. MEYERS SUPERVISORY PATENT EXAMINER

ART UNIT 125